

REMARKS/ARGUMENTS

Examiner Koenig is thanked for the thorough examination of the subject Patent Application. The Claims have been carefully reviewed and amended, and are considered to be in condition for allowance.

5 Reconsideration of the rejection under 35 USC §101 of Claims 1-20 and 42-61 for being directed to non-statutory subject matter is requested in light of the following arguments. Claims 1 and 42 are amended to respectively describe a method and an apparatus, for:

10 An apparatus for facilitating transfer of a data object retained by at least one computer-readable data storage device in communication with a first computing system from said first computing system to a second computing system and thence to a second computer-readable data storage device, comprising means for segmenting said data object into a plurality of data object segments retained by said computer-readable data
15 storage devices; (Claim 1, lines 1-8)

partitioning said data object into said plurality of data object segments
 to be retained by said computer-readable data storage devices
 whereby a first data object segment is of the first segment size, a data object last segment is of the last segment size, and all

remaining data object segments are of the remaining segment
sizes; (Claim 1, lines 28-38)

An apparatus for facilitating transfer of a data object retained by at least
one computer-readable data storage device in communication with a first
5 computing system from said first computing system to a second
computing system and thence to a second computer-readable data
storage device, comprising means for segmenting said data object into a
plurality of data object segments retained by said computer-readable data
storage devices; (Claim 42, lines 1-8)

10 means for partitioning said data object into a plurality of data object
segments retained by said computer-readable data storage devices
whereby a first data object segment is of the first segment size, the
last data object segment is of the last segment size, and all the
remaining data object segments is of the remaining segment sizes.
15 (Claim 42, lines 31-36)

The data objects and the data object segments such as video data files of
Claims 1-20, and 42-61 are data structures and consequently are "functional
descriptive material", which impart functionality when employed as a computer
component. As defined in New IEEE Standard Dictionary of Electrical and
20 Electronics Terms 308 (5th ed. 1993), a data structure is "a physical or logical
relationship among data elements, designed to support specific data

manipulation functions". As cited in the "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility", the "claim to a data structure stored on a computer readable medium that increases computer efficiency is held statutory." The segmentation of the data objects or video data files of this invention provide for facilitating transfer of a data object or a video data file retained by a computer-readable data storage device or a video data file retention device in communication with a computing system. The data object or video data file is segmented according to the present invention for transfer from one computing system to a second computing system and thence to a second computer-readable data storage device or a video data file retention device. This facilitation of the data object transfer increases the efficiency of the operation of a network of computer systems and therefore the claimed invention as a whole accomplishes a practical application. The resulting increased efficiency is a "useful, concrete and tangible result.", and thus the claimed invention of Amended Claims 1-20 and 42-61 is for statutory subject matter.

Reconsideration of the rejection under 35 USC §112, Second paragraph and Sixth Paragraph of Claims 42-60 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention, and not being clear and not disclosing structure for performing the recited function is requested in light of the following arguments. Claims 42-60 are amended to provide the "means for" performing the recited structure as

included in the means for segmenting said data object into a plurality of data object segments retained by said computer-readable data storage devices.

Applicant acknowledges that Examiner's FINAL position re the application. However, the applicants request that the examiner reconsider this FINAL position. The Claims 1-20 and 42-61 have been amended to be directed to statutory subject matter and to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

The Applicant acknowledges that Claims 21, 23-41, 62-82, 84-102 are allowed. The Applicant believes that the base Claims 1-20 and 42-61 are allowable in light of the above arguments. The Applicant respectfully requests that Examiner Koenig issue a timely Notice of Allowance for all claims in this case.

It is requested that should Examiner Koenig not find that the Claims are now allowable, that the undersigned be called at (845) 452-5863 to overcome any problems preventing allowance.

Respectfully Submitted,
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